IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.1886 OF 2005

Shankar Digamber Poul : Petitioner
V/s.
The State of Maharashtra : Respondent

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Mr.S. D. Poul, petitioner in person.
Mr.Riyaz Chagla, *Amicus Curiae*.
Mr.P. M. Patil, Assistant Government Pleader for the respondent.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE OF RESERVING): 26.4.2005
THE ORDER)

DATE OF PRONOUNING): 6.5.2005
THE ORDER)

O R D E R (Per S.A. Bobde, J.)

1. The petitioner has moved a judicial forum again. Apparently for the 15th time, over the same issue.

2. Initially, when this petition was moved, the petitioner appeared in person. We found that he could not effectively point out his problem. We, therefore, requested Mr.Riyaz Chagla, Advocate, to act as *amicus curiae*.

3. Mr.Chgala, learned counsel, submitted that the petitioner' s main grievance is that the period during which he was reverted to the post of Surveyor Class III from the post of Overseer i.e., the period

from 31.8.1974 to 25.8.1976 should be treated as continuous service since, according to him, the reversion was not in order. The posts of Overseer have been redesignated as Junior Engineers. The learned counsel pointed out that the petitioner has been granted relief for subsequent part of the period from 1.8.1975 to 25.8.1976. However, he has not been granted relief for the earlier part of the period i.e., from 1.9.1974 to 31.7.1975, since no post of Junior Engineer was available during that period in Pune Zone. The petitioner was informed that he can be treated as having been in service only for the period from 1.8.1975 to 25.8.1976 as a Junior Engineer. The petitioner's grievance has been that even for the other period i.e., from 1.9.1974 to 31.7.1975, he ought to have been treated in service as a Junior Engineer since, according to him, other persons who were junior to the petitioner and directly appointed as Overseer have been continued in the said post during the said period. The petitioner, therefore, contended that the stand of the respondent that there was no post on which the petitioner could be treated as having been in service as a Junior Engineer from 1.9.1974 to 31.7.1975 is wholly untenable.

4. Initially, the petitioner approached the Maharashtra

Administrative Tribunal with this grievance. He filed an Original Application before that Tribunal on 27.6.1994. The Tribunal found the application grossly belated since the petitioner was informed about the period for which he could be treated as in service as early as 22.7.1982. Even otherwise, on merits, the Tribunal found that for the period from 1.9.1974 to 31.1.1975, the petitioner could not have been treated as having been continued as there was no post of Junior Engineer in the P. W. D. The Tribunal found no merit in the petitioner's contention that others were continued during the said period since the petitioner neither cared to name such other persons nor impleaded them as parties. The petitioner's case has thus been considered on merits as well.

5. Against this order, the petitioner filed a Writ Petition before this Court. In this Petition also, he failed to point out that others who, according to him, were junior to him have been continued in the post for the period in question. This Court dismissed the petition.

6. Thereafter, the petitioner appears to have resorted to several proceedings. A tabular statement submitted by the respondent of all proceedings that have been taken by the petitioner is as follows:-

Sr.No.	Forum	Petition No.	Decided on	Decision
1	The Hon.MAT	O.A. No.546/94	9/7/1999	Dismissed
2	The Hon.H. C.	W.P. No.5456/99	3/12/2001	Dismissed
3	The Hon.H. C.	Civil Appln. No.9/02 (for review) in WP 5456/99	9/8/2002	Rejected
4	The Hon. H. C.	W.P. No.3063/03	12/9/2003	Dismissed
5	The Hon. H. C.	R.P. No.104/03 (In W.P. 3063/03	16/10/2003	Dismissed
6	The Hon. H. C.	W.P. No.3121/03	9/6/2003	Order & disposed off
7	The Hon. H. C.	C. P. No.387/03	23.1.2004 13/2/2004	Representat-ion to be considered Rejected
8	The Hon.H. C.	Contempt Appeal No.2/ 2004 in C.P.No.387/2003	24/3/2004	There is no merit and it is disposed off.
9	The Hon.H. C.	C.P. No.187/2004	8/6/2004	Rejected
10	The Hon.H. C.	Review Petition stamp No.12792/2004 in C.P. No.387/2003	4/8/2004	Dismissed
11	The Hon.H. C.	W.P. No.5841/04	27/7/2004	Dismissed
12	The Hon.H. C.	W.P. No.5842/04	27/7/2004	Dismissed
13	The Hon.H. C.	W.P. No.7505/04	16/10/2004	Dismissed

Sr.No.	Forum	Petition No.	Decided on	Decision
14	The Hon. H. C.	P.I. L. No.171/04	27/10/2004	Dismissed as withdrawn to file representation & receive proper consideration by the authorities.

7. Even before us, the petitioner could not point out how the petitioner is entitled to be treated as continued in service for the period in question and the name of any person junior to him who is said to have been continued during that period. In the circumstances, we find absolutely no reason to entertain this petition or even call upon the respondent to reply to the petitioner's repeated representations. The petitioner appears to be a vexatious litigant.

8. In the circumstances, the petition fails and is, accordingly, dismissed.

9. We express our appreciation for the assistance rendered

to us by Mr.Chagla as *amicus curiae*.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.